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February 18, 2015

VIA ECF

The Honorable Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

RE: Plaintiff's Letter Motion Requesting an Order Compelling Defendants to Comply with the Terms of Previous Stipulation
Yan Qiang Zhou, et al. v. Huang Xing et al. 14-CV-02450 (PAE)

Dear Hon. Judge Engelmayer:

We represent the Plaintiffs in the aforementioned case. We write this letter to respectfully request that the Court compel all Defendants to comply with the terms of the September 10, 2014 stipulation (Dkt. 40-1).

The September 10, 2014 stipulation provides, inter alia, “that Plaintiff shall withdraw motion of default judgment and Defendants shall … consent to & will stipulate to the proposed Conditional Collective Certification....” [Emphasis added.] Despite numerous requests from Plaintiffs’ Attorney over several months, Defendants’ Attorneys did not provide any substantive response to Plaintiffs’ proposed Notice of Pendency and Consent to Sue forms until January 26, 2015, when Defendants’ Attorney Joey Tsai returned edited versions of both documents. Problematically, Mr. Tsai’s Notice of Pendency only references the inclusion of “all non-exempt non-managerial employees of Szechuan Gourmet located at 242 W. 56th Street, New York, NY 10019” – only one defendant restaurant. However, the September 10, 2014 stipulation applies to all four defendant restaurants. In order to comply with the September 10, 2014 stipulation, a Notice of Pendency must consent to the inclusion of employees of all four restaurant locations named in the Amended Complaint. Defendants continue to fail to comply with the September 10, 2014 stipulation because no proposed Conditional Collective Certification is possible until the Notice of Pendency and Consent to Sue forms apply to all Defendant restaurants.

We thank you for your time and consideration in this matter.

Hon. Paul A. Englemayer

November 24, 2014

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Respectfully submitted,
TROY LAW, PLLC

s/John Troy

John Troy,
Attorney for Plaintiff

VIA ECF

CC: *Alex Ru,*

Joey Tsai

Attorneys for Defendants